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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,327	07/07/2006	Akira Ishikawa	0425-1246PUS1	6650
2292 7590 07/12/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER NGUYEN, KHANH TUAN	
			ART UNIT 1751	PAPER NUMBER
			NOTIFICATION DATE 07/12/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/567,327

Applicant(s)

ISHIKAWA ET AL.

Examiner

Khanh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2, 6, 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 5, 7 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on 05/09/2007 is entered and acknowledged by the Examiner. Claims 1, 3, 4, 5, 7 and 10 are currently pending in the instant application. Claims 2, 6, 8 and 9 have been canceled.

Response to Amendment

Claims 1, 4, 5, 6 and 9-10 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shuichi et al (JP Pub. 2000-110077 hereinafter, "Shuichi") is withdrawn in view of applicant's amendments.

Claims 2, 7 and 8 rejected 35 U.S.C. 103(a) as being unpatentable over Shuichi et al (JP Pub. 2000/110077) in view of Hiromitsu et al. (JP Pub. 2002/2371474 hereinafter, "Hiromitus") is withdrawn in view of applicant's amendments.

Claim 3 rejected 35 U.S.C. 103(a) as being unpatentable over Shuichi et al (JP Pub. 2000/110077) in view of Hiroshi et al (JP Pub. 2000/110068 hereinafter, "Hiroshi") is withdrawn in view of applicant's amendments.

Applicant's arguments with respect to claim 1, 3, 4, 5, 7 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 5 and 10 are rejected under 35 U.S.C. 103(a) as obvious over Shuichi et al (JP Pub. 2000/110077) in view of Hiroshi et al. (JP Pub. 2000/110068).

Regarding claims 1, 3, 4, and 10, Shuichi discloses the liquid finishing compound for treating textile garments (clothing) such as shirts, trousers and blouses [0001]. The liquid finishing composition comprises of (A) amino-modified silicone [0005], (B) a tertiary amine, salt thereof, quaternary compound [0017], (C) a nonionic surfactant with 15-150 moles of alkylene oxide to a straight chain or the carbon number 8-22 of the branching [0020], (D) polyhydric alcohol [0021] and (E) alkanolamine [0022]. Shuichi also discloses the weight percent of components A, B, C, D, and E in table 6 [0038]. The mass ratio of nonionic surfactant to amino-modified silicone, nonionic surfactant to tertiary amine, and $[(\text{nonionic surfactant} + \text{amino-modified silicone})/(\text{tertiary amine} + \text{polymer compound})]$ may be calculated and are within the scope of the claim. However, Shuichi does not explicitly disclose the properties of (C) nonionic surfactant having an HLB of 16 or more and a melting point of 30 to 80°C.

In the same field of endeavor, Hiroshi discloses a nonionic surfactant having alkylene oxide of carbon number 2-3 to higher alcohol, higher fatty acid, or amine of

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carbon numbers 8-18 with the formula $R_1-O-(CH_2CH_2O)_n-H$ wherein R_1 carbon numbers 8-18 is preferred, the alkyl group or alkenyl radical of the straight or branch chain, the number of ethylene oxide average addition (n) is 5 to 40 moles [0005]. Hiroshi also discloses said nonionic surfactant having HLB values of 8-16. The court has held that structurally similar compounds (i.e. nonionic surfactant or amino-modified silicone) are generally expected to have similar properties (i.e. melting point and/or viscosity). In re Gvurik, 596 F. 2d 1012,201 USPQ 552.

Therefore, one of ordinary skill in the art it would have had a reasonable expectation of success, because such a fiber treating composition containing nonionic surfactant with properties such as HLB of 16 and a melting point within the scope of the claim are expressly suggested by Shuichi in view of Hiroshi disclosure and therefore is an obvious composition.

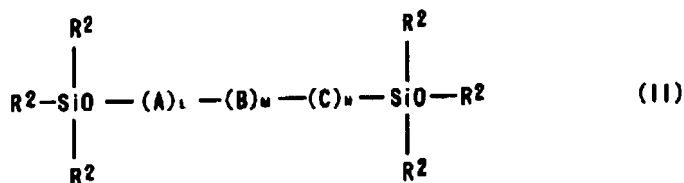
Regarding claim 5, Hiroshi further discloses a silicone compound having a polyoxyalkylene chain [0006].

Claim 7 is rejected under 35 U.S.C. 103(a) as obvious over Shuichi et al (JP Pub. 2000/110077) in view of Hiroshi et al. (JP Pub. 2000/110068) as applied to the claims above, and further in view of Hiromitsu et al. (JP Pub. 2002/371474).

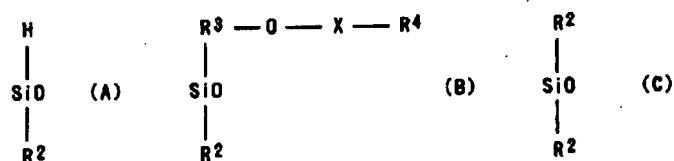
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Shuichi and Hiroshi are relied upon set forth above. With respect to claim 7,

Hiroshi discloses a silicone compound represented by formula (1):



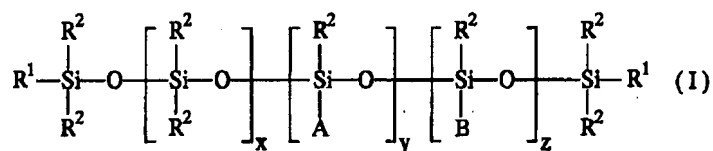
The inside of a formula, and A, B and C are:



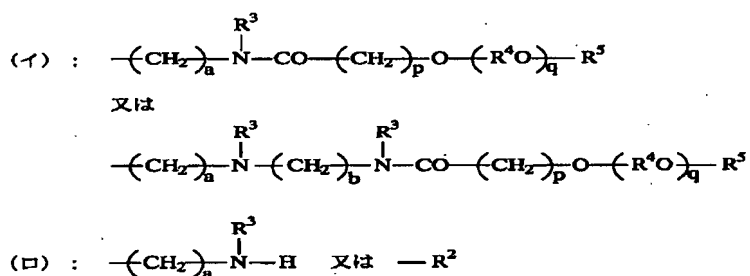
Moreover, L, M, and N show each number of average mols, and L is [1-100, and (preferably 1-50) N of 0-5 (preferably 0-3)M] 1-1000 (preferably 1-600). R² It may be the same, or you may differ, the alkyl of the straight chain of carbon numbers 1-4 or branched chain, the alkenyl, hydroxyalkyl, and a vinyl group are shown, and it is R³. The alkylene group of the straight chain of carbon numbers 1-4 or branched chain is shown, and it is R⁴. The alkyl of the straight chain of a hydrogen atom or carbon numbers 1-4 or branched chain, the alkenyl, and a hydroxyalkyl radical are shown, and X shows a polyoxyethylene radical. The polymerization percentage of the polyoxyethylene chain per molecule is 35 - 75% most preferably 30 to 75% especially preferably 25 to 80% to the total weight of polyether denaturation silicone. These polyether mold denaturation silicone can be fundamentally manufactured by the well-known approach [0006-0009]. However, Hiroshi does not explicitly disclose the details of radical X in formula (1).

In the same field of endeavor, Hiromitsu discloses a silicone compound represented by formula (6):

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wherein the polyoxyethylene radical (i.e. radical X) is



a shows the number of 2-6, and, as for b, the number of 2-6 and R² show the same semantics as the above.) For R³, a hydrogen atom or the alkyl group of carbon numbers 1-4, and p of the number of 1-6 and q are [the number of 1-20 and R⁴] the alkylene groups of carbon numbers 2-3, and even if two or more R⁴ is the same, it may differ. R⁵ is the alkyl group of carbon numbers 1-18. B is formula (CH₂)_a-O-(R⁴O)_q-R₆ or -R₂ (R₂, R₄, a, and q show the same semantics as the above.). R₆ is the alkyl group of carbon numbers 1-10 [0014-0018].

Therefore, one of ordinary skill in the art would have had a reasonable expectation of success, because such a liquid finish composition comprising of amino denaturation silicone with the side chains as mentioned above is expressly suggested by Shuichi in view of Hiroshi and further in view of Hiromitsu in order to provide a softening agent composition for textile which is high in suppressing wrinkle effect in washing process and not imparting excess slickly feeling to clothes treated with the softening agent.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh T. Nguyen whose telephone number is (571) 272-8082. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST PM.

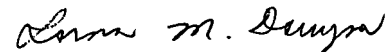
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



KTN
07/03/2007


LORNA M. DOUYON
PRIMARY EXAMINER